

NOT FOR PUBLICATION

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

VOLVO FINANCIAL SERVICES,	:	CIVIL ACTION NO. 08-3547 (MLC)
	:	
Plaintiff,	:	MEMORANDUM OPINION
	:	
v.	:	
	:	
SIFTRANS, INC., et al.,	:	
	:	
Defendants.	:	
_____	:	

THE plaintiff bringing this action concerning the breach of four contracts for the purchase of automobiles (dkt. entry no. 1, Compl.); and the plaintiff moving for entry of judgment by default against the defendants in the amount of \$298,132.06 ("Motion") (dkt. entry no. 12, Default J. Mot.), see Fed.R.Civ.P. 55(b)(2); and

THE PLAINTIFF previously demonstrating that (1) the Court has subject-matter jurisdiction, and (2) the defendants were served at 717 Summer Drive, Manalapan, New Jersey (dkt. entry no. 4, Pl. Br. at 3-4; id., Block Aff. at 1-2; id., Exs. 2-5, Affs. of Service; dkt. entry no. 7, Proof of Service on Defendants); and the Court confirming on the Westlaw database that the defendants may be found at the aforementioned address; and the Clerk of the Court having entered default against the defendants for their failure to appear (see unnumbered dkt. entry after dkt. entry no. 8), see Fed.R.Civ.P. 55(a); and

THE PLAINTIFF observing all of the formalities in bringing the Motion, including the filing of a certificate of service demonstrating that the Motion has been served on the defendants (dkt. entry no. 12, Certif. of Service); and the defendants failing to oppose the Motion, even though the return date – April 6, 2009 – elapsed two weeks ago (see unnumbered dkt. entry after dkt. entry no. 12); and

THE PLAINTIFF demonstrating to the Court that (1) it is owed (a) \$32,309.37 on the first contract, (b) \$41,128.93 on the second contract, (c) \$98,908.77 on the third contract, and (d) \$125,784.99 on the fourth contract, (2) it is owed \$298,132.06 in total, and (3) the defendants are liable pursuant to a continuing guaranty (dkt. entry no. 12, Morgan Certif. at 1-8; id., Exs. 1-17); and it appearing that the defendants have not petitioned for bankruptcy protection in the United States Bankruptcy Court for the District of New Jersey, and thus this action is not subject to a stay, see www.njb.uscourts.gov; and

THE COURT (1) determining the Motion upon the plaintiff's papers, see Fed.R.Civ.P. 78(b), and (2) intending to (a) grant the Motion, and (b) enter judgment against the defendants; and for good cause appearing, the Court will issue an appropriate Order and Judgment.

s/ Mary L. Cooper
MARY L. COOPER
United States District Judge

Dated: April 20, 2009